

Attorney Docket No. 200209412-1

Confirmation No. 3303

COVER SHEET**RECEIVED
CENTRAL FAX CENTER**

In re Patent Application of:)
Steven E. Carpenter) Date: January 6, 2005
)
Serial No. 10/603,434) Group Art Unit: 2812
Confirmation No. 3303)
Filed 06/24/2003) Examiner: GHYKA, Alexander G.
)
For: NANOSTRUCTURE)
FABRICATION USING)
MICROBIAL MANDREL)

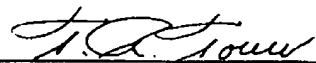
JAN 06 2005

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office (Fax No. (703) 872-9306) on 01-06-2005.

Typed name of person signing this certificate: Theodore R. Touw

Signature

Date signed 01-06-2005

Received this date:

RESPONSE

consisting of transmittal with fee authorization (one sheet in duplicate), response (two sheets) and this cover sheet (one sheet), a total of five sheets in this transmission.

Receipt addressed to:

Hewlett-Packard Company

Attn: Chris Griffin

Legal Department – Mailstop 314

11307 Chinden Blvd.

Boise, ID 83714-1021

Fax: (208) 396-3958

HEWLETT-PACKARD COMPANY
 Intellectual Property Administration
 P. O. Box 272400
 Fort Collins, Colorado 80527-2400

PATENT APPLICATION
 ATTORNEY DOCKET NO. 200209412-1

**IN THE
 UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventor(s): Steven E. Carpenter

Confirmation No.: 3303

Application No.: 10/603,434

Examiner: GHYKA, Alexander

Filing Date: 06-24-2003

Group Art Unit: 2812

Title: NANOSTRUCTURE FABRICATION USING MICROBIAL MANDREL

Mail Stop Amendment
 Commissioner For Patents
 PO Box 1450
 Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

- | | |
|---------------------------------|--|
| (X) Response/Amendment | () Petition to extend time to respond |
| () New fee as calculated below | () Supplemental Declaration |
| (X) No additional fee | |
| () Other: _____ | (fee \$ _____) |

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY							
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES	
TOTAL CLAIMS	34	MINUS	34	= 0	X \$50	\$ 0	
INDEP. CLAIMS	6	MINUS	6	= 0	X \$200	\$ 0	
[] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ \$360	\$ 0	
EXTENSION FEE	1ST MONTH \$120.00	2ND MONTH \$450.00	3RD MONTH \$1020.00	4TH MONTH \$1590.00		\$ 0	
OTHER FEES							\$ 0
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT							\$ 0

Charge \$ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Steven E. Carpenter

By 

Theodore R. Touw

Attorney/Agent for Applicant(s)
 Reg. No. 36,702

Date: 01-08-2005

Telephone No.: (541) 967-9133

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JAN 06 2005

RESPONSE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Dear Sir:

ELECTION WITH TRAVERSE

In response to the restriction requirement dated 12-10-2004, applicant provisionally elects the invention of Group I with traverse. The claims that read literally on the provisionally elected invention are claims 1 – 16, 19 - 20, and 23 - 24.

REMARKS

The Examiner's communication dated 12-10-2004, which included a restriction requirement, is acknowledged. A shortened period for reply was set at one month. Accordingly, this response is timely.

Claims 1 - 34 are pending in the application. Claims 1 - 34 are subject to the present election requirement.

Applicant affirms that the following two groups identified by the Examiner are patentably distinct:

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Group I, method for making nanoscale structures (claims 1 – 16, 19 - 20, and 23 - 24); and

Group II, nanoscale structures (claims 17 – 18, 21 – 22, and 25 - 34).

However, the two groups are not independent, as the fabrication method of Group I is specially adapted to make the nanoscale structures of Group II. Furthermore, examination of these two groups together would not cause an undue burden of examination because the two groups have in common at least the microbial mandrels disclosed. Therefore, reconsideration and withdrawal of the restriction requirement are respectfully requested.

Examination of the application is also respectfully requested.

Respectfully submitted,

Steven E. Carpenter



By Theodore R. Touw

Attorney/Agent for Applicants

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